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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN AND
BARBARA BROWN,

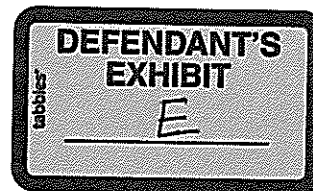
Plaintiffs,

VS

CIVIL ACTION NUMBER
04-11924-RGS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC.,
AND BOSTON EDISON COMPANY
D/B/A NSTAR ELECTRIC,

Defendants.



DEPOSITION OF

MURRAY BURNSTINE, P.E.

February 20, 2007
10:50 a.m.

Prince, Lobel, Glovsky & Tye, LLP
100 Cambridge Street
Boston, Massachusetts

Laurie J. Driggers, Certified Court Reporter, Registered Professional Reporter,
Certified Realtime Reporter, Certified LiveNote Reporter and Notary Public
within and for the Commonwealth of Massachusetts.

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1 people in my field that the safest
2 location for a pole, if you got to have
3 them, is on the inside of a curve.

4 Q. Understanding that it would be
5 safer to have the pole, in your opinion,
6 on the inside of the curve, what is the
7 basis of your opinion that the pole was
8 located on the wrong side of the road?

9 A. Because it's on the outside of the
10 curve.

11 Q. So is it your opinion that all
12 utility poles must be located on the
13 inside of a curve?

14 A. No. They can be on the outside of
15 the curve if they're 20 feet from the
16 road, you know, where nobody's going to
17 hit them. But this thing's on the wrong
18 side of the road and it's nine inches from
19 the edge of the road.

20 Q. Well, when you -- when you -- I
21 think your report says the pole's 13
22 inches from the side of the road.

23 A. It's what?

24 Q. Thirteen inches?



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1 A. Oh -- you're correct.

2 Q. When you say, wrong side of the
3 road, are you aware of any literature that
4 states poles cannot be located within 13
5 inches on the outside of a curve?

6 A. Just a rule of common sense.

7 MR. CALLAHAN: Is that a
8 no?

9 A. Pardon?

10 MR. CALLAHAN: Is that a
11 yes or a no? Can we get an answer to the
12 question?

13 A. I don't know of any written
14 standard that tells you 13 inches is no
15 good, but 14 inches is all right.

16 Q. Are you aware of any Massachusetts
17 regulations in that respect?

18 A. No. I'm not -- I don't know
19 either way.

20 Q. In fact, are you aware whether this
21 pole, in terms of its distance from the
22 edge of the pavement, was in violation of
23 any law or regulation in the State of
24 Massachusetts?



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1 leaning at that point.

2 Q. So it's your -- I'm sorry. I
3 didn't mean to cut you off.

4 A. There's no need for it to lean
5 there. He's just traveling, you know,
6 with the handlebars straight ahead. He's
7 going parallel to the -- to the guardrail.

8 Q. Okay. So it's your opinion that
9 Mr. Brown was astride the motorcycle
10 riding parallel to the guardrail along the
11 dirt shoulder of the road in an upright
12 position on the motorcycle; is that
13 correct?

14 A. Correct.

15 Q. And for how long a distance is it
16 -- is it -- strike that.

17 Did you form an opinion as to what
18 distance Mr. Brown traveled in that
19 position?

20 A. I have some calculations that may
21 refine what I testified to before. It's
22 104 feet 2 inches from the center line of
23 the manhole to Pole 37. That's a hundred
24 or something before. Going at 24 miles an